

that the amendment recommended will be productive of much good to the State if adopted, we hope it will be submitted to the people. Having an abiding confidence in the good sense and integrity of the electors of our State, we have no fear that they will ever vote for an amendment to the constitution which will have a tendency to injure the State. JON W. DANCY,

One of the committee.

*Amendment.* Add to section 1, the following: "Requiring in all cases not less than six persons to be associated in any banking company which may be formed, and requiring every company formed under a general banking law to deposit in the State Treasury, either State five per cent. bonds or United States five per cent. bonds, which are at par or above par, equal in amount to the amount of the notes, to be issued by any such company as security to prevent the note holders and creditors of such company from sustaining any loss by the failure of such company to meet its liabilities. And the Comptroller shall certify the fact, that the bonds are so deposited upon the face of each bank note issued by any such company."

On motion of Mr. Bogart, the Senate adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, January 26, 1853.

The Senate was called to order by the President, pursuant to adjournment—Prayer by the Rev. Mr. Thomas—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Potter presented the memorial of sundry citizens of Galveston; read and referred to the committee on Internal Improvements.

Mr. Davis, chairman of the committee on State Affairs, to which was referred the petition of the citizens of Guadalupe county, asking that a law be passed allowing free negro Daniel to remain in the State, reported unfavorably to the petition.

Mr. Grimes, chairman of the committee on Finance, made the following report:

The committee on Finance have considered the application of F. Giraud for additional pay for furnishing a plan and estimates for a State Capitol at the request of the Governor, acting under authority of a resolution of the Senate. The resolution asked for a cheap plan to be constructed of brick or stone of sufficient dimensions for the accommodation of the two Houses of the

Legislature. The estimated cost of a building on the plan furnished by Mr. Giraud, according to his own estimate, is three hundred and fifty five thousand dollars. The committee have instructed me to report that the plan and estimates of cost furnished by Mr. Giraud, is not in accordance with the resolution of the Senate, a copy of which was furnished him. Your committee, therefore, return the documents and ask to be discharged from the further consideration of the subject.

Mr. Duggan introduced a bill granting three hundred and twenty acres of land to each of three twin children of Mrs. Upham, wife of John Upham, of Guadalupe county; read first time.

Mr. Dancy introduced a bill for the relief of Isaac Mullins; read first time.

On motion of Mr. Dancy the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Dancy the rule was further suspended, bill read third time and passed.

Mr. Armstrong introduced a bill to ascertain forfeited lands and void titles; read first time.

Mr. Gray introduced a bill to enable Henry F. Fisher and Burchard Miller to perfect titles to the lands for which certificates have been issued to them within the limits of Fisher and Miller's Colony grant; read first time.

On motion of Mr. Wilson, a bill supplementary to an act to establish the La Salle and El Paso Railway company, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Wilson, the rule was further suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Burks, Dancy, Davis, Day, Duggan, Ford, Hart, Hill, Kinney, Miller, Parker, Reaves, Scott, Truit, Williams and Wilson.

NAYS—Mr. Taylor—1.

On motion of Mr. Scott, a bill supplementary to an act to establish and incorporate the Marshall University, and to change the name thereof to Van Zandt College, was taken up and read first time.

On motion of Mr. Taylor, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Wilson, the rule was further suspended, bill read third time and passed.

On motion of Mr. Day, a bill to incorporate the Texas Orphan Asylum was taken up, together with the report of the committee on Education, offering a substitute therefor, and read, and substitute adopted, and bill ordered to be engrossed.



On motion of Mr. Day, the rule was suspended, bill read third time and passed unanimously.

A message was received from the House, informing the Senate that the House had passed the following bills—viz :

A bill to incorporate the city of Brownsville ;

A bill to incorporate the Mount Enterprise Male and Female Academy ; and

A bill to limit the boards of land commissioners, and more clearly to define their duties.

On motion of Mr. Potter, a bill to facilitate the operations of persons engaged in the United States coast survey, in the State of Texas, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Potter, the rule was suspended, bill read third time and passed.

On motion of Mr. Hill, a bill to extend the provisions of an act to provide for ascertaining the debt of the late Republic of Texas ; approved March 20, 1848, together with the report of the committee offering amendments thereto, was taken up, read, and amendments adopted.

Mr. Hill moved to amend by striking out at the end of 1st section the following words ; "and all claims not presented by that time shall be barred ; rejected.

Mr. Taylor offered the following amendment :

Provided, that this act shall not apply to any class of claims not heretofore acknowledged by law.

Mr. Wilson offered the following as a substitute for the amendment :

Provided, that nothing in this act contained shall authorize the Auditor and Comptroller to acknowledge any class of claims not heretofore by law provided for ; the substitute was accepted by Mr. Taylor, and adopted.

Mr. Dancy offered the following amendment : add. provided that this act shall not go into effect unless a majority of the electors of the State of Texas shall vote for it at the August election, in 1853 ; rejected by the following vote :

YEAS—Messrs. Burks, Dancy, Meusebach, Taylor and Truit—5.

NAYS—Messrs. Armstrong, Bigelow, Bogart, Davis, Day, Duggan, Ford, Gray, Grimes, Hart, Hill, Kinney, Miller, Parker, Potter, Reaves, Scott, Williams and Wilson—19.

Mr. Parker offered the following amendment :

Insert after the word "Austin," in the 5th line of the 2nd section, "and in one newspaper published in each of the Con-



gressional Districts of the State, and also in some paper published in the city of Houston;" rejected.

Mr. Wilson offered the following amendment: after "Austin" insert "and two papers in the eastern and two in the western Congressional District;" adopted.

Mr. Hill moved to amend by striking out all after the word "extended" in the first section; rejected.

Mr. Dancy offered the following amendment: add to end of 1st section "and all claims against the Republic of Texas for property destroyed, purchased or taken by force, and for services rendered against Indians and Mexicans may be filed, for which the Auditor and Comptroller shall give a receipt stating the facts of the case, and report the evidence presented on each claim to the Legislature;" rejected by the following vote;

YEAS—Messrs. Dancy, Day, Duggan, Ford, Kinney, Potter and Wilson—7.

NAYS—Messrs. Armstrong, Bigelow, Bogart, Burks, Gray, Grimes, Hart, Hill, Miller, Parker, Reaves, Scott, Taylor, Truit and Williams—15.

Mr. Wilson moved to reconsider the vote which rejected the amendment providing that this act shall not go into effect unless a majority of the electors of the State of Texas shall vote for it at the August election in 1853; lost.

Mr. Dancy offered the following amendment: add to 1st section "provided, that no claim shall be submitted to the Auditor and Comptroller, unless it is specially provided for by law;" rejected, and bill ordered to be engrossed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Davis, Day, Duggan, Ford, Gray, Grimes, Hart, Hill, Kinney, Miller, Parker, Potter, Scott, Truit, Williams and Wilson—19.

NAYS—Messrs. Burks, Dancy, Reaves and Taylor—4.

A message was received from the House, informing the Senate that the House refused to concur in the 1st, 2nd, 3rd, 4th, 5th and 6th amendments, and concurred in the 7th amendment of the Senate to a bill to apportion the Senators and Representatives of the Legislature among the several counties of the State, according to the requirements of the constitution.

On motion of Mr. Parker, the Senate adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

On motion of Mr. Grimes, a bill to create the county of Madison was taken up, read second time and passed to a third reading.



On motion of Mr. Grimes, the rule was suspended, bill read third time and passed.

On motion of Mr. Dancy, a bill supplementary to an act concerning lands in Austin's second colony and the colony of Austin and Williams, was taken up, and read first time.

On motion of Mr. Dancy, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Dancy, the rule was further suspended, bill read third time and passed.

On motion of Mr. Davis, a bill to apportion the Senators and Representatives of the Legislature, among the several counties of the State, according to the requirements of the constitution, was taken up.

On motion of Mr. Taylor, the Senate receded from their 1st amendment, striking out San Augustine in 25th Representative District, by the following vote :

YEAS—Messrs. Armstrong, Bogart, Burks, Day, Duggan, Gray, Hart, Potter, Reaves, Scott, Taylor and Wilson—12.

NAYS—Messrs. Bigelow, Dancy, Davis, Grimes, Hill, Kinney, Mensebach, Miller, Parker, Truit and Williams—11.

On motion of Mr. Bigelow, the Senate receded from their second amendment, striking out "Walker and Grimes, one Representative, and giving Cameron two Representatives," (40th and 68th Districts.)

On motion of Mr. Grimes, the Senate receded from their 3rd amendment, striking out Grimes county in 17th line of 4th section, for 40th district.

Mr. Armstrong moved that the Senate recede from their 4th amendment, striking out "Falls," in district No. 42, and inserting "Falls" in district No. 46 ; carried by the following vote :

YEAS—Messrs. Armstrong, Bogart, Burks, Davis, Day, Duggan, Ford, Gray, Grimes, Hart, Potter, Reaves, Scott, Taylor, Williams and Wilson—16.

NAYS—Messrs. Bigelow, Dancy, Hill, Kinney, Mensebach, Miller, Parker and Truit—8.

Mr. Armstrong moved that the Senate insist on their 5th amendment, striking out Burnet from Williamsen, and adding Burnet to Travis, for Representative ; lost.

On motion of Mr. Grimes, the Senate receded from their 6th amendment, striking out "Madison," wherever it occurs in the bill.

A message was received from the House, informing the Senate that the House had passed the following bills, viz :



A bill relating to the fiscal affairs of the late Republic of Texas; and

A bill to define the times of holding the district courts in the third Judicial District.

On motion of Mr. Ford, a bill making appropriations to defray the expenses of the volunteers called into the service of the State for the protection of the frontier, was taken up and read first time.

A bill making appropriations for the improvement of the rivers of the State, was taken up on motion of Mr. Wilson, and made the special order for to-morrow at 11 o'clock.

A bill for the relief of John White; read third time and passed.

Joint resolution providing for the removal of the remains of the late Stephen F. Austin, for interment in the burial ground at the city of Austin; read third time and passed.

A bill for the relief of Jim Shaw, a Delaware Indian; read third time and passed.

A bill to repeal an act relating to lands in Peters' Colony, read third time; the yeas and nays were called on the passage of the bill, and were as follows:

YEAS—Messrs. Armstrong, Burks, Dancy, Davis, Day, Duggan, Hill, Parker, Reaves, Scott, Taylor and Truitt—12.

NAYS—Messrs. Bigelow, Bogart, Ford, Gray, Grimes, Hart, Kinney, Meusebach, Miller, Potter, Williams and Wilson—12.

There being a tie, the President voted in the affirmative—so the bill was passed.

On motion of Mr. Davis, the Senate adjourned until 10 o'clock to-morrow morning.

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[NOTE.—The following day's proceedings of the Senate should have been commenced on page 118 of the Journals, and the day's proceedings there commencing, dated the 25th January, should have been dated the 27th, and have been placed where the following is. The error was one of the compositor's and was not discovered until 120 pages of the Journals were printed off.]

PUBLIC PRINTER.]

TUESDAY, January 25, 1853.

The Senate was called to order by the President, *pro tem*.  
Prayer by the Rev. Mr. Sheehan—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Reaves, chairman of the committee on Engrossed Bills,



reported the amendments of the Senate to the bill to apportion the Senators and Representatives among the several counties in the State, according to the requirements of the constitution, correctly engrossed.

Mr. Wilson presented the petition of Antonio Manchaca; referred to the committee on State Affairs.

Mr. Wilson presented the memorial of the trustees, representatives, and creditors of the German Emigration Company, praying for the settlement of the accounts of the empresarios, and the liquidation of the claims of the creditors, and for general relief; referred to a select committee. Messrs. Potter, Gray, Duggan, Hill and Parker were appointed said committee.

Mr. Hill presented the petition of C. Boales; referred to the committee on Claims and Accounts.

Mr. Duggan presented the petition of sundry citizens of Bexar, Goliad and Guadalupe counties, praying the creation of a new county; referred to the committee on Counties and County Boundaries.

Mr. Duggan presented the petition of sundry citizens of Guadalupe county, asking that the free negro Daniel be permitted to remain in the State; referred to the committee on State Affairs.

Mr. Ford presented the petition of Edward Morrison; referred to the committee on Private Land Claims.

Mr. Parker, chairman of the committee on Claims and Accounts, to which was referred the petition of A. Morgan, reported the same back to the Senate and recommended its reference to the committee on the Militia.

Mr. Gray introduced a bill relating to the Galveston and Red River-Railway company; read first time.

On motion of Mr. Gray, the rule was suspended, bill read second time, and referred to the committee on Internal Improvements.

Mr. Wilson introduced a bill to amend an act regulating attachments, approved March 11, 1848; read first time.

Mr. Gray introduced a bill authorizing the Auditor and Comptroller to adjust the claims of Robert Wilson; read first time.

Mr. Miller introduced a bill to authorize the Commissioner of the General Landoffice to issue patents for lands to certain persons therein named; read first time.

Mr. Miller moved to suspend the rule requiring bills to be read on three several days; lost.

Mr. Ford introduced a bill for the relief of Andrew J. Walker; read first time.



Mr. Ford moved to suspend the rule requiring bills to be read on three several days; lost.

On motion of Mr. Scott, a bill to create the county of Knox was taken up, read second time and referred to the committee on Counties and County Boundaries.

On motion of Mr. Scott, the House bill to create the county of Hill, was taken up and read first time.

On motion of Mr. Wilson, the rule was suspended, bill read second time and referred to the committee on Counties and County Boundaries.

On motion of Mr. Miller, a bill to provide for the cancellation of patents, was taken up and read second time, and, on motion of Mr. Taylor, referred to the committee on the Judiciary.

On motion of Mr. Scott, a bill to apportion the Senators and Representatives of the Legislature among the several counties of the State, according to the requirements of the constitution, was taken up and read third time.

On motion of Mr. Taylor, the bill was amended by striking out "Madison," wherever it occurred in the bill.

Mr. Wilson offered the following amendment: amend by inserting an additional section in the bill, as follows:

SECTION That wherever a new county shall be created, it shall vote in the Senatorial and Representative district or districts from which it is taken; adopted. The bill was then passed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Burks, Davis, Day, Duggan, Ford, Hill, Potter, Reaves, Scott, Taylor, Truit and Wilson—15.

NAYS—Messrs. Dancy, Gray, Grimes, Kinney, Meusebach, Miller, Parker and Williams—8.

On motion of Mr. Grimes, a bill to create the county of Madison, was taken up and read first time.

On motion of Mr. Gray, a bill concerning offences committed by negroes, was taken up, read second time.

Mr. Bigelow offered the following amendment: after the word "ammunition," in 6th line of 8th section, insert "unless with the written permission of the master, and for the purpose of protecting flocks or herds;" rejected, and bill ordered to be engrossed.

On motion of Mr. Gray, the rule was suspended, bill read third time and passed.

On motion of Mr. Armstrong, a bill supplementary to "an act concerning crimes and punishments," approved March 20th, 1848, was taken up, read second time.



Mr. Bigelow offered the following amendment: insert after the word "omitted" in the 78th section, the words "and in all indictments for murder in the first degree, it shall be required of the State to prove the malice prepense."

On motion of Mr. Taylor, the Senate adjourned until three o'clock, P. M.

### THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

The question before the Senate being on the adoption of the amendment offered by Mr. Bigelow to the bill supplementary to an act concerning crimes and punishments, was rejected. The bill was then ordered to be engrossed.

On motion of Mr. Armstrong, the rule was suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Davis, Day, Duggan, Gray, Grimes, Meusebach, Miller, Reaves, Truit, Williams and Wilson—13.

NAYS—Messrs. Bogart, Dancy, Hill, Parker, Scott and Taylor—6.

A message was received from the House informing the Senate that the House had passed a bill originating in that body, reinstating Joseph F. Smith as an Attorney and Counsellor at law, and a bill to create the 13th Judicial District; also, that the House had passed a bill to amend an act to incorporate the Buffalo, Brazos and Colorado Railway company; also, that the House concurred in the amendments of the Senate to a bill concerning certain lands in Austin's second colony and the colony of Austin and Williams.

On motion of Mr. Day, a bill to create the Thirteenth Judicial District was taken up and read first time.

On motion of Mr. Day, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

On motion of Mr. Wilson, a bill reinstating Joseph F. Smith as an Attorney and Counsellor at law, was taken up and read a first time.

On motion of Mr. Hill, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Wilson, the rule was further suspended, bill read third time and passed.

### ORDERS OF THE DAY.

A bill making appropriations for the improvement of the rivers of the State.



Mr. Hill moved the postponement of the bill, and made it the special order of the day for Monday next; lost.

The question being on the reconsideration of the vote adopting the amendment offered by Mr. Hill, providing that one-half of the sum appropriated to the improvement of the Trinity river, shall be expended above Magnolia, &c. The vote was reconsidered by the following vote:

YEAS—Messrs. Bigelow, Davis, Day, Duggan, Gray, Kinney, Meusebach, Miller, Parker, Potter, Reaves, Truit and Wilson—13.

NAYS—Messrs. Armstrong, Bogart, Burks, Grimes, Hill, Scott, Taylor and Williams—8.

Mr. Hill moved to lay the bill and the amendment on the table; lost.

Mr. Hill moved to lay the amendment on the table; lost.

The amendment was then rejected by the following vote:

YEAS—Messrs. Armstrong, Bogart, Burks, Dancy, Grimes, Hill, Scott, Taylor and Williams—9.

NAYS—Messrs. Bigelow, Davis, Day, Duggan, Ford, Gray, Kinney, Meusebach, Miller, Parker, Potter and Truit—12.

Mr. Taylor offered the following amendment: strike out "five thousand," and insert "eight thousand," for the improvement of the Sulphur Fork of Red river; adopted.

Mr. Armstrong offered the following amendment:

The sum of ten thousand dollars shall be appropriated to the cleaning out of Little Liver, a tributary of the Brazos; rejected.

Mr. Hill offered the following amendment: strike out \$37,500, and insert \$10,000, for the Trinity river.

A message was received from the House informing the Senate that the House had passed a bill making appropriations to defray the expenses of the volunteers called into the service of the State for the protection of the frontier; and a bill supplementary to an act concerning certain lands in Austin's second colony and the colony of Austin and Williams.

On motion, the Senate adjourned until 10 o'clock to-morrow morning.

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FRIDAY, January 28, 1853.

The Senate was called to order by the President, pursuant to adjournment—Prayer by the Rev. Mr. Phillips—roll called—quorum present.

The Journal of yesterday was read and adopted.